

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CARDSOFT, INC., et al.

v.

VERIFONE SYSTEMS, INC., et al.

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Case No. 2:08-CV-98-RSP

MEMORANDUM ORDER

Before the Court is Plaintiff CardSoft's Motion for Partial Summary Judgment that the Asserted Claims are not Invalid for Anticipation over Cowen and Peyret (Dkt. No. 280, filed February 17, 2012). CardSoft argues that the Cowen and Peyret references cannot be anticipating prior art references because Defendants' expert relies on combining each of the references with other references. Defendants argue that the other references are not being combined with the Cowen and Peyret references, but are instead being used to show that certain elements are inherently disclosed by the Cowen and Peyret references. Therefore, the Court concludes that there is at least a genuine issue of material fact involving whether the Cowen and Peyret references are anticipating prior art. CardSoft's motion is **DENIED**.

SIGNED this 4th day of June, 2012.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE